

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Dominic Javon Gilbert,

Plaintiff,

**V.**

Quandara Grant, Latasha Robinson,  
Castran Aiken, Edwin Aiken,

Defendants.

Case No. 6:24-cv-03912-JDA

## OPINION AND ORDER

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 30.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter is referred to United States Magistrate Judge Kevin McDonald for pre-trial proceedings.

Plaintiff's pro se Complaint was entered on the docket on July 11, 2024, pursuant to 42 U.S.C. § 1983. [Doc. 1.] On August 8, 2024, the Magistrate Judge issued an Order identifying various defects in the Complaint and warning Plaintiff that if he failed to file an amended complaint or failed to cure the identified deficiencies, the Magistrate Judge would recommend that the action be dismissed with prejudice and without leave for further amendment for failure to state a claim. [Doc. 12.] On August 26, 2024, the Clerk docketed an Amended Complaint from Plaintiff. [Doc. 15.] Then, on October 30, 2024, the Magistrate Judge issued a Report concluding that Plaintiff had failed to state a claim upon which relief could be granted except as to his retaliation claim against Defendant Quandara Grant and thus recommending that the action be summarily dismissed with prejudice except as to the retaliation claim against Grant. [Doc. 30.] The Magistrate

Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 13.] Plaintiff has filed no objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, all of Plaintiff’s claims are DISMISSED with prejudice except Plaintiff’s retaliation claim against Grant.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin  
United States District Judge

December 2, 2024  
Greenville, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.